

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	MM Docket No. 99-325
And Their Impact on the Terrestrial	)	
Radio Broadcast Service	)	

**COMMENTS**

The Praise Network, Inc. (hereafter “PNI”) by its undersigned counsel hereby respectfully submits these comments in response to the *Second Report And Order, First Order On Reconsideration And Second Further Notice of Proposed Rule Making* (hereafter the “Second Report”) in the above captioned proceeding.<sup>1</sup>

**I. BACKGROUND**

1. The Commission notes in the Second Report that it has an obligation to ensure that broadcast radio and television stations serve the "public interest, convenience and necessity,"<sup>2</sup> and that to ensure that broadcasters serve the public interest, convenience and necessity, the Commission requires licensees to comply with various program-related and operational duties. In 1987, the Commission eliminated the former rule requiring a broadcast station to

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<sup>1</sup> FCC 07-33, released May 31, 2007; 72 FED REG. 157 (2007).

<sup>2</sup> 47 U.S.C. § 303. See ¶ 61, *supra*.

originate a majority of its non-network programming from its main studio.<sup>3</sup> This action was specifically based largely on technical advances in the production and distribution of programming during the prior thirty-five years. In 1995, in response to continuing improvements in the stability of station monitoring and transmission equipment, the Commission authorized unattended technical operation of broadcast stations and expanded the ability of stations to control and monitor station technical operations from remote locations, including automating their ability to operate pursuant to the Emergency Alert System (“EAS”), which was specifically designed for unattended operations.<sup>4</sup> Broadcast licensees of the Commission have broadly embraced this new technical flexibility. Many stations now operate for extended periods without station personnel at or near transmission facilities.

2. Certain noncommercial, educational FM stations operate as “satellites” of a co-owned parent noncommercial station, and have neither a main studio in the specified community of license, nor any staff whatsoever. These stations operate under a “main studio waiver” wherein they are completely automated and are monitored by their parent station and its staff.

3. The Commission now seeks comment, *inter alia*, on whether the widespread reliance on automated operations limits the ability of law enforcement and public safety officials to use radio broadcast stations

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<sup>3</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Report and Order, 2 FCC Rcd 3215 (1987).

<sup>4</sup> *Id.* at 11481.

effectively during emergencies. Although EAS equipment can be programmed to operate automatically in certain circumstances, when a state or local alert is initiated by designated local authorities, initial input of the alert and activation of the originating EAS ENDEC must be done manually. The Commission noted that it is currently considering issues related to the Emergency Alert System, including transmission of state EAS alerts, in its ongoing EAS proceeding.<sup>5</sup>

## **II. NONCOMMERCIAL FM BROADCAST STATIONS OPERATING WITH “MAIN STUDIO WAIVERS” AS SATELLITE STATIONS.**

### **A. THE COMMISSION SHOULD NOT REQUIRE NONCOMMERCIAL FM STATIONS THAT OPERATE AS SATELLITE STATIONS PURSUANT TO “MAIN STUDIO WAIVERS” TO BECOME FULLY MANNED IN CONNECTION WITH THEIR DIGITAL AUDIO SYSTEM CONVERSIONS.**

4. The Commission has on many occasions granted licenses for satellite operation waivers to numerous noncommercial stations in small communities to allow their main studios to be located at the studio of a co-owned, noncommercial station. These waivers have been granted to stations located both in contiguous communities to, and at a great distance from, the “parent station.” See, KTLZ(FM), Cuero, Texas, with a main studio waiver for operation at WLOG(FM), Markleysburg, Pennsylvania (FCC File 20050708ACI). These satellite stations operate without any local staff in place

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<sup>5</sup> See *Review of the Emergency Alert System*, EB Docket No. 04-296, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625 (2005). See also *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, Notice of Proposed Rulemaking, 21 FCC Rcd 7320 (2006).

and are fully automated, with the “parent station” monitoring the operation of the satellite.

5. The Commission has consistently found “good cause” to exist for granting a main studio waiver and allowing unmanned, satellite stations in instances based upon the economic benefits to noncommercial stations that are provided by such centralized operations from a single studio. See, *The President and Board of Trustees Miami University*, 7 FCC Rcd 2902 (1992); *Sound of LIFE, Inc.*, 4 FCC Rcd 8373 (1989); and *Lift Him Up Outreach Ministries, Inc.* 3 FCC Rcd 5571 (1988). In fact, many satellite noncommercial stations would never have been built and placed into operation were a main studio waiver not granted, and were the licensee required to incur the significant expense of staffing the facility. In these circumstances, the Commission has recognized that a licensee of a noncommercial satellite station will meet its local service obligations, and thus has routinely granted requests for a main studio waiver as consistent with the public interest and the requirements of the Communications Act of 1934, as amended. See *KMAS-TV, Steamboat Springs, Colorado, ID No. 20373*, 22 FCC Rcd 2183 (February 02, 2007) , *Delmarva Broadcasting Corporation MO&O*, FCC 04-90, released April 14, 2004; and *Living Faith Ministries, Inc.* 21 FCC Rcd 5046. (2007).

6. Currently, PNI operates four full power stations and 13 translators throughout the region of Nebraska, Kansas, eastern Colorado and southern

South Dakota. All stations operate the EAS units in the automatic mode. PNI has experimented with various modes of operation and has found that the automatic mode is the most consistent, most rapid response, and best service for its listening audience. Even at times when the stations have operators on duty, other functions often require them to be absent from the control room area where the EAS equipment is located. Thus, if the EAS were operated in a completely manual mode of operation, the message would be held in queue until the operator reviewed the content and determined if and when the message should be aired, with the attendant delay in transmission. Nothing inherent in the transition to a digital audio system will render this type of system less reliable.

7. The current EAS monitors can be programmed for transmission only to the relevant service area. In addition, with the many alert codes now available, PNI can determine the exact type of message to be forwarded without operator intervention. Each EAS unit can be programmed for the specific area it is to cover for alerts and pass along the relevant EAN messages. An FCC requirement that such automated noncommercial FM satellite station would have staffed at all hours of operation would be a severe financial imposition upon the non-profit, educational licensees.

8. Based on this PNI submits that the Commission should not act in a manner that would modify the licenses for these main studio waiver-satellite stations by requiring them to be locally staffed. Such an action is

unnecessary under the public interest standard, and would result in numerous satellite stations ceasing their operation due to the expense involved in local staffing of stations serving small communities. Rather, any action the Commission takes in this regard should relate solely to the operation of the parent station and its main studio, not the unmanned satellite station.

Respectfully submitted,

The Praise Network, Inc.

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